

CITY PLANNING COMMISSION
Austin, Texas
Special Called Meeting -- March 7, 1979

The Special Called Meeting of the Planning Commission was called to order at 5:45 p.m. in the City Council Chambers, 301 West Second Street.

Present

Miguel Guerrero, Chairman
Leo Danze
Mary Ethel Schechter
Sally Shipman
Bernard Snyder
Jim Vier

Also Present

Evelyn Butler, Supervising Planner
Marie Gaines, Planner
Tim Matthews, Planner
Betty Baker, Planner
Sheila Finneran, Legal Department
Jim Gotcher, Building Inspection
John German, Director of Public Works
Ouida Glass, Senior Secretary

Absent

Freddie Dixon
Sid Jagger
Bill Stoll

C14-79-021 Edward R. Rathgeber, Jr., and Jessie B. Anderson (continued)

AYE: Guerrero, Schechter, Shipman, Snyder, and Vier.
ABSENT: Dixon, Jagger, and Stoll.
ABSTAINED: Danze.

THE MOTION PASSED BY A VOTE OF 5-0-1.

C14-78-177 Pendergrass and Hood, Inc.: Interim "A", 1st H&A to "O" and "A"
(by William Terry Bray) 1st H&A (as amended)
Corner of William Cannon Drive
and Cooper Lane

Tim Matthews explained this zoning request has an accompanying special permit request and that the staff would recommend a restrictive covenant to provide buffering, building setback and height limitation, as well as a privacy fence. The staff also recommends "O" Office for the special permit portion only, with the remainder to be zoned "A" Residential.

PERSONS APPEARING IN FAVOR

Clarke Heidrick, attorney for applicant
Dick Rathgeber

PERSONS APPEARING IN OPPOSITION

Marilyn Simpson, Cherry Creek-Whispering Oaks Neighborhood Association

COMMISSION ACTION

Clarke Heidrick, attorney for applicant, discussed the proposed use of the tract and stated that a 7-11 store would be constructed on that portion of the lot which has the special permit request and that an office will be established on the southern portion. He discussed the land uses in the immediate area and felt this zoning request to be fair. Dick Rathgeber felt the key issue would be buffering for the residential portion to the south and that this would be better than to crowd townhouses on the tract. Marilyn Simpson, representing the Cherry-Whispering Oaks Neighborhood Association, stated there are too many drive-in grocery stores in the area now and requested the zoning be denied. There was discussion of sidewalks on Cooper Lane and applicant agreed to a special permit for the office portion.

COMMISSION VOTE

Mr. Vier moved to grant "O" Office, 1st H&A, subject to a special permit on that portion the office will be built on and to accept the 40-foot buffer of "A" on the south portion as offered by the applicant. Mrs. Schechter seconded the motion.

C14-78-177 Pendergrass and Hood, Inc. (continued)

AYE: Guerrero, Schechter, Shipman, Snyder, and Vier.
ABSENT: Dixon, Jagger, and Stoll.
ABSTAINED: Danze.

THE MOTION PASSED BY A VOTE OF 5-0-1.

C14-78-225 Mr. Walter Angerman: "A" and Interim "A", 1st H&A to "BB", 1st H&A
(by Edgar James)
1804 Mariposa

Marie Gaines explained that the applicant had requested postponement.

COMMISSION VOTE

On motion by Mr. Danze, seconded by Mrs. Schechter, the Commission postponed this request indefinitely.

AYE: Danze, Guerrero, Schechter, Shipman, and Snyder.
ABSENT: Dixon, Jagger, Stoll, and Vier.

THE MOTION PASSED BY A VOTE OF 5-0.

C14-79-018 John C. McElroy, et al: Interim "AA", 1st H&A to "GR", 1st H&A
12164-12758 U.S. 183
12153-12283 Jollyville Road

COMMISSION VOTE

Mrs. Shipman moved and Mr. Danze seconded the motion to postpone the request for 60 days awaiting the outcome of the U.S. 183 area study.

AYE: Danze, Guerrero, Schechter, Shipman, and Snyder.
ABSENT: Dixon, Jagger, Stoll, and Vier.

THE MOTION PASSED BY A VOTE OF 5-0.

C14-79-024 John P. Nieman: Interim "AA", 1st H&A to "GR", 1st H&A
(by Ed J. Fleming, Jr.)
12828-12900 Research Blvd.
8657 Spicewood Springs Road

C14-79-024 John P. Nieman (continued)

COMMISSION VOTE

Mr. Snyder moved and Mrs. Shipman seconded the motion to postpone the request for 60 days awaiting the outcome of the study on U.S. 183.

AYE: Danze, Guerrero, Schechter, Shipman, and Snyder.
ABSENT: Dixon, Jagger, Stoll, and Vier.

THE MOTION PASSED BY A VOTE OF 5-0.

C14-79-027 Jack E. and Margie Bunch: "A", 1st H&A to "GR", 1st H&A
(by Don Fergurson)
501-503 East Rundberg Lane

Marie Gaines explained the staff would recommend to deny "GR" General Retail, 1st H&A but would recommend to grant "O" Office, 1st H&A. While the general retail zoning has been established, a downgrading as well as an established boundary for uses other than "A" Residential needed to be established. Because of previous zoning cases along Rundberg Lane for any zoning other than "A" Residential have been denied, a downgrading is appropriate. "LR" uses will be permitted through the special permit process. The staff feels this could be the boundary for downgrading the zoning.

PERSONS APPEARING IN FAVOR

Don Fergurson, representing applicant

PERSONS APPEARING IN OPPOSITION

Tom Cooke, Georgian Acres Neighborhood Association
Homer Johnson

COMMISSION ACTION

Don Fergurson, representing applicant, explained that Rundberg Lane is very heavily traveled and will become even more so. He felt the "GR" zoning to be appropriate and that the precedent already had been set. Tom Cooke, representing the Georgian Acres Neighborhood Association, expressed concern for rezoning on Rundberg Lane, especially on the south side. He stated they do not want this to be a miniature U.S. 183. Homer Johnson requested the "A" Residential remain as it now is.

C14-79-027 Jack E. and Margie Bunch (continued)

COMMISSION VOTE

Mrs. Shipman felt this to be speculative zoning, that the residential character and public decisions have created the struggle and moved the zoning change be denied. Mrs. Schechter seconded the motion.

AYE: Danze, Guerrero, Schechter, Shipman and Snyder.
ABSENT: Dixon, Jagger, Stoll, and Vier.

THE MOTION PASSED BY A VOTE OF 5-0.

C14-79-032 Charles Richard Hamilton, et al: Interim "AA", 1st H&A to "GR", 1st H&A
(by W. W. Patterson)
10540-11740 U.S. 183

Marie Gaines explained the City Council moratorium for 60 days that had been placed on the 183 area and stated the staff would recommend postponement of these cases.

COMMISSION ACTION

Mrs. Schechter moved to postpone for 60 days in light of the 183 study and Lee Cooke's request to the Council. Mr. Danze seconded the motion.

AYE: Danze, Guerrero, Schechter, Shipman, and Snyder.
ABSENT: Dixon, Jagger, Stoll, and Vier.

THE MOTION PASSED BY A VOTE OF 5-0.

C14-79-033 Scott Keller: "C" and "B", 2nd & 5th H&A to "O", 2nd & 5th H&A
(by Fred W. Powers, Jr.)
1199-1191 Curve Street
1000-1006 Catalpa Street
1001-1013 East 12th Street

Marie Gaines stated the applicant had requested postponement for this item.

COMMISSION VOTE

Mr. Danze moved and Mrs. Schechter seconded the motion to postpone indefinitely this request.

AYE: Danze, Guerrero, Schechter, Shipman, and Snyder.
ABSENT: Dixon, Jagger, Stoll, and Vier.

THE MOTION PASSED BY A VOTE OF 5-0.

THE MOTION PASSED BY A VOTE OF 5-0.

Mr. Frederick, President of the Knights of Columbus Home Association, stated they have been operating since 1958, were annexed into the City some time last year and they would like to have proper zoning for all three tracts. He explained that nothing will be changed. Marilyn Simpson, Chairperson, speaking in behalf of the Austin Neighborhoods Council, stated this can be continued as a nonconforming use or a private club under "A" Residential and that variances could be granted if necessary rather than to change the zoning. She expressed opposition to the "C-2" zoning. She felt a bar and lounge at the entrance to Zilker Park to be totally unacceptable, nor was it needed next to the Girl Scout Camp. She also was of the opinion that "O" Office should not be granted to the remainder of the tract. There was discussion of the traffic problems on the narrow streets as well as pollution for Barton Springs and the need for buffering. Betty Brown, speaking for the Barton Hills-Horseshoe Bend Neighborhood Association, expressed concern for the Barton Creek Watershed, Barton Springs, and Zilker Park and requested a 100-foot environmental buffer. Dorothy Richter cautioned to look at this very carefully and look also at what citizens can live with. Jackie Block, West Austin Neighborhood group, supported the remarks of previous speakers and stated she did not see the rationale for the request, felt this to be speculative zoning and most inappropriate. Mrs. Shipman stated she had problems with this, felt this zoning to be most inappropriate and that the operation can continue as it is now, discussed Columbus Road being a substandard street, and felt this could be done with a P.U.D. rather than a change in the zoning. Jim Gotcher of the Building Inspection Department stated they do not need a zoning change if they wish to continue operating in a nonconforming status. He explained they cannot alter or expand the use in any way. Mr. Frederick stated they wished to sell a portion of

C14-79-042 Knights of Columbus Home Assn. (continued)

the tract, they needed the money to be able to continue to operate. There was discussion of coming back with a P.U.D.

COMMISSION VOTE

Mr. Vier moved deny "C-2" and "O" but to grant permanent "A" Residential on all tracts with the idea that the Planning Commission would be receptive to a zoning change based on a site plan if applicant desires a change. Mr. Snyder seconded the motion.

AYE: Guerrero, Schechter, Snyder, and Vier.

NAY: Shipman.

ABSENT: Dixon, Jagger, and Stoll.

ABSTAINED: Danze.

THE MOTION PASSED BY A VOTE OF 4-1-1.

C14-79-045 Driscoll, Leach et ux, Mortiz, et al and Reeves: "A", 1st H&A
 (by Doug Fike) to "C", 2nd H&A
 1600-1615 Navasota
 900-1004 East 16th Street
 1801-1805 and 1821 Navasota

Marie Gaines presented the staff report and stated that subject tract is composed of several individual lots which are fronting Navasota. A 15 foot dedicated alley bounds the subject tract on the east. The northern 4 lots do not have direct IH-35 access. The State of Texas Highway Department has an easement along the access route fronting the aforementioned lots. Therefore the only access for the four lots is through Navasota by way of a driveway. Commercial zoning has been established north and west of subject tract. Because at present 15 separate individual lots exist the staff feels a combining of the properties is essential for feasible commercial development. Commercial traffic of 15 separate lots will pose significant access and traffic problems. The first height and area district has not been established along this section of IH-35 frontage. Staff recommends to grant "C" Commercial, to deny 2nd H&A but to grant 1st H&A and that the properties be combined by subdividing to assure feasible commercial development. Through the subdivision process appropriate right-of-way will be obtained.

CITIZEN COMMUNICATION

PERSONS APPEARING IN FAVOR

Doug Fike, representing applicant

PERSONS APPEARING IN OPPOSITION

Kathy & Peter Fears, 810 East 13th Street
 Thomas Bird, 1503 Waller Street
 James B. Nitschke

C14-79-045 Driscoll, Leach et ux, Mortiz, et al and Reeves (continued)

Barbara Hunt, 1143 Chicon
Anne Dunkelberg, 1505 Waller
Donna Byrne, 808 East 13th Street
Kathy Murphy, 1002-B East 13th Street
Luis Villanueva, 1005 East 15th Street
Richard Kennedy, 1005 East 15th Street
Melinda Maynard, 1010 East 15th Street
Henry Struck, 904 East 16th Street
Perry L. Steele, 1407 Waller
Timothy J. Loughlin
Mr. and Mrs. Alvarado, 1608 Navasota
Mr. and Mrs. Gregory Perez, 1502 Waller
Milton E. Chambers, 1615 Navasota
Patrick Kelly, 5906 Fairlane
Gary Price, 1505 Waller
M. D. Lowe, 1406 Waller Street
Jonathan Weinstein, 1009 West 15th Street
Mrs. Percilla Callom, 1002 East 16th Street
Mary Orton, 1410 West Sixth Street
Nancy Patterson, 3516 Lakeland
Jan Fitzsimmons, 1506 Waller Street

WRITTEN COMMENTS IN FAVOR

Phil Sterzing, Trustee, 1009 East 16th Street

WRITTEN COMMENTS IN OPPOSITION

None

COMMISSION ACTION

Mrs. Shipman asked Mrs. Butler of the Planning staff to explain if there would be a problem with the resubdivision. Mrs. Butler indicated there would not be a problem. Mr. Snyder asked about the City vacating Navasota and Mrs. Butler explained that applicant could make an application and the staff would recommend they proceed with the request to vacate Navasota and combine the properties. This would provide better access to the tract. Doug Fike, representing applicant, explained there are no definite plans, but were attempting to obtain commercial zoning first and combine as one parcel so this could be made available for commercial development. Mrs. Shipman pointed out that this then would be speculative zoning. Mr. Fike discussed "Strategies for the Economic Revitalization of Central Austin" and stated he felt East Austin to be neglected area. He discussed the report and the need to combine small lots for commercial and public uses in the area from 11th Street to 19th Street. He pointed out some of the structures were purchased in 1905 and not been redeveloped or remodeled. He discussed the state offices, Brackenridge Hospital, the Special Events Center and the University baseball complex and felt this to be the time for redevelopment. Mrs. Schechter asked if some of this would come under Urban Renewal. She expressed concern that if these are tenants, why has the property not been kept up; if they are homeowners, will you help them out? Mr. Fike answered Mrs. Schechter's

C14-79-045 Driscoll, Leach et ux, Mortiz, et al and Reeves (continued)

inquiry that they would be willing to submit a site plan when a specific use has been determined. He explained that if there is a program available through Urban Renewal or any other program for displacement, he felt sure the owners would be more than willing to do whatever is necessary to make those programs available or to participate in any way they could. He stated the owners had held this property until such a time as it would maximize its potential. They felt that now is the time to put this to a higher and better use. He stated he felt this area had been neglected far too long and it must be recognized that the only way there is to be redevelopment is to work together with the individual owners, the neighborhood and the City staff. Speaking in opposition, Peter Fears expressed concern that applicant would ask for a reward for not taking care of the property that he is representing. He agreed that East Austin is neglected, but this neighborhood does care, is making progress, and is not neglected. He presented petitions containing 23 signatures of property-owned households and 113 households and residents or 100 percent of the resident landowners of this neighborhood including signatures of some nonresident landowners of the neighborhood in opposition to the request. He showed slides of the area to show ongoing restoration within the neighborhood, pointing out this is an historic area containing numerous historic houses and discussed how some of the houses would be used. He pointed out that some of the uses were less intensive zoning, not "C" zoning, and very compatible with the neighborhood. He explained the tri-ethnic history of the area, stated these people still live here and still own their homes. It is not a neglected part of Austin. He stated that nothing has been resolved with the Austin Development Plan, felt this to be a very premature action. He explained the text of the Economic Development Plan provides for smaller districts of the Central Business District, one of which includes the Robertson-Swedish Hill area. He went on to say residential rehabilitation should continue, including improved and increased housing involving rehabilitation and renovation of existing house stock. He then discussed the Austin Goals program and the neglect and intensive form of zoning. This program talked about deterioration of housing and lack of quality and availability, as well as lack of neighborhood quality. He explained that many of the streets in this neighborhood went unpaved -- this is a 103-year old neighborhood, and the streets were paved one year ago in some quadrants. Residential sewage and residential water also was put in. Now the City is being asked to negate all this and make it a commercial strip. The neighborhood negotiated with the City of Austin only last year to put in a neighborhood park and playground on 14th and Waller Streets. This was condemned land for the Crosstown Expressway 14 years ago and had been growing weeds. The residents cleared the land, put in picnic tables, began a gazebo, put in benches, hung swings, and started utilizing the area as a neighborhood park and playground. There are 78 school age children in the area and has many senior citizens. He stated this is a threatened neighborhood and requested the zoning be denied. It is a threat to "our way of life". He cited the numerous homes in the neighborhood that are being restored and are of historic value. Thomas Bird stated this is a neighborhood where people care and look after each other. He expressed fear for what the change of zoning would do to taxes and rent and pointed out that the crime in the area had gone down. Gary Price felt the very core of Austin is at stake and that people should be more important than speculative zoning. He discussed the Goals Program, Revitalization, and the Master Plan. There are residents in the central core area, the neighborhoods should be preserved, as well as neighborhood quality. He felt there was inadequate protection of single-family neighborhoods. Jan Fitzsimmons urged to give concern to persons living there and pointed out this would take away from the uniqueness of the neighborhood. Priscilla Collum stated she could not afford higher rent and asked "where could we move?" Jonathan Weinstein stated

C14-79-045 Driscoll, Leach et ux, Mortiz, et al and Reeves (continued)

that many of the residents were older persons, living on Social Security, and was very concerned about a place for them to live. He stated they are not asking for help, they just want to stay where they are. There was discussion of the neighborhood attempting to revitalize itself, it is a neighborhood of people who care and they felt they should have a say in what will happen. Dorothy Malone, representing ACORN, expressed opposition to commercial zoning and concern for the residential neighborhood. Speaking in rebuttal, Mr. Fike stated this not a redevelopment proposal to destroy the neighborhood. He felt the residential character of the neighborhood could be maintained south of 16th Street, and that the subject area is not desirable for residential use because of the proximity to IH-35. Mrs. Shipman expressed concern that the zoning is inappropriate at this time. She felt that a specific use was needed. Mr. Danze felt the request to be premature since applicant has not decided how it will be used and felt this to be speculative zoning. Mr. Guerrero stated he was not ready to write this off as a residential area.

COMMISSION VOTE

Mrs. Schechter moved to deny "C" Commercial, 2nd H&A. Mrs. Shipman seconded the motion.

AYE: Danze, Guerrero, Schechter, Shipman, and Snyder
ABSENT: Dixon, Jagger, Stoll, and Vier.

THE MOTION PASSED BY A VOTE OF 5-0.

HISTORIC ZONING

C14h-78-019 Rather House: "A", 1st H&A to "A-H", 1st H&A
(by City of Austin)
3105 Duval

Betty Baker presented the staff report and stated that the Episcopal Seminary expressed no objection to the historic zoning but would not waive rights to future demolition or alteration if required for expansion of the seminary. The Landmark Commission has found the structure to meet seven of the criteria for historic zoning and that Item (b) will become applicable as nomination has been made for the National Register. There was discussion of the architectural significance of the structure and in response to a question by Mr. Snyder, Mrs. Baker stated the staff would recommend that it be zoned historic.

PERSONS APPEARING IN FAVOR

Blake Alexander, Historic Landmark Commission

PERSONS APPEARING IN OPPOSITION

Dean Gordon T. Charlton, Jr., The Episcopal Theological Seminary

COMMISSION ACTION

Blake Alexander, representing the Historic Landmark Commission, explained why the Rather House is of significance in the opinion of the Landmark Commission. He stated they felt this to be one of the most outstanding structures in Austin of the 20th Century, that it is one of the most important houses still standing in Austin and deserves the historic designation. Speaking in opposition, Dean Charlton, in behalf of the Episcopal Seminary, explained they had mixed feelings about the importance of the house and the worthiness of the historic zoning. He explained their problem is that it is located in the middle of the property belonging to the seminary, stating that they have no plans at the present time to do anything except to preserve the structure but that they must retain the freedom to remove the house if necessary. Their facilities cannot be expanded without so doing. He discussed the serious disadvantage to the future of the seminary if they were prevented permanently from removing the building if the need should arise. He felt also that it would be contrary to the wishes of the donors. He read a statement from the Trustees expressing the same views and requested denial of the zoning change. Mrs. Schechter asked and Betty Baker explained the procedure to be followed should it become necessary to remove the historic zoning.

C14h-78-019 Rather House (continued)

COMMISSION ACTION

Mrs. Shipman moved to concur with the Historic Landmark Commission finding of fact that the structure meets Items (a), (c), (d), (e), (i), (l), and (m) and to recommend historic zoning in the public interest. Mrs. Schechter seconded the motion.

AYE: Danze, Guerrero, Schechter, and Shipman.

NAY: Snyder.

ABSENT: Dixon, Jagger, Stoll, and Vier.

THE MOTION PASSED BY A VOTE OF 4-1.

C14h-79-005 Hancock House: "C", 3rd H&A to "C-H", 3rd H&A
(by City of Austin)
1306 Colorado

On a consent motion by Mr. Snyder, seconded by Mrs. Schechter, the Planning Commission recommended "C-H", 3rd H&A in accordance with the determination that the structure met Items (a), (b), (c), (d), (e), (f), (g), (h), (i), (k), (l), and (m) of the criteria for historic zoning.

AYE: Danze, Guerrero, Schechter, Shipman, and Snyder.

ABSENT: Dixon, Jagger, Stoll, and Vier.

THE CONSENT MOTION PASSED BY A VOTE OF 5-0.

C14h-79-007 Governor's Mansion: Exempt to Exempt-H
(by City of Austin)
1010 Colorado

On a consent motion by Mr. Snyder, seconded by Mrs. Schechter, the Planning Commission voted to recommend Exempt-H since the structure has been found to meet all of the criteria for historic zoning.

AYE: Danze, Guerrero, Schechter, Shipman, and Snyder.

ABSENT: Dixon, Jagger, Stoll, and Vier.

THE CONSENT MOTION PASSED BY A VOTE OF 5-0.

SPECIAL PERMITS

C14p-79-002 Edwayne Priesmeyer: A lounge
 (by Ron Clark)
 722 Morrow Street

On a consent by Mr. Snyder, seconded by Mrs. Schechter, the Commission approved the special permit subject to staff recommendations and ordinance requirements.

AYE: Danze, Guerrero, Schechter, Shipman, and Snyder.
ABSENT: Dixon, Jagger, Stoll, and Vier.

THE CONSENT MOTION PASSED BY A VOTE OF 5-0.

C14p-79-003 Knights of Columbus Home Assn.: A lounge
 (by Jeryl Hart)
 2502 Columbus Drive

NO ACTION TAKEN SINCE THE ZONING REQUEST WAS DENIED.

C14p-78-061 Pendergrass and Hood, Inc.: A Seven-Eleven Convenience Store
 (by Clarke Heidrick)
 Corner of William Cannon Drive
 and Cooper Lane

Tim Matthews explained this is an application for a convenience store and that applicant has agreed to all requirements except for the curb out on William Cannon Drive. The staff would recommend approval of the special permit subject to the zoning being granted by the City Council.

PERSONS APPEARING IN FAVOR

Clarke Heidrick, attorney for applicant

PERSONS APPEARING IN OPPOSITION

Marilyn Simpson, Cherry Creek-Whispering Oaks Neighborhood Association

COMMISSION ACTION

Clarke Heidrick, attorney for applicant, explained they would like to have two curb cuts on William Cannon Drive and gave the reasons therefor.

COMMISSION VOTE

Mrs. Shipman moved and Mrs. Schechter seconded the motion to approve the special permit subject to staff recommendations and ordinance requirements.

Planning Commission -- Austin, Texas

March 7, 1979

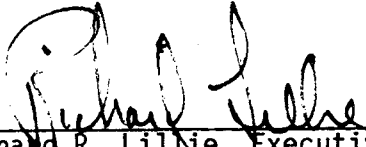
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C14p-78-061 Pendergrass and Hood, Inc. (continued)

AYE: Guerrero, Schechter, Shipman, Snyder, and Vier.
ABSENT: Dixon, Jagger, and Stoll.
ABSTAINED: Danze.

THE MOTION PASSED BY A VOTE OF 5-0-1.

The meeting adjourned at 9:40 p.m.



Richard R. Lilie, Executive Secretary